1945

File No. B. Munis Bom. City 145 (Third Amdt.)

Legal Department:

B **BRANCH**

Subject:—

A Bill to amend the City of Bombay Municipal Act 1888

(amendment of S. 78A)

(Bom. Act No ~~XXI~~ of 1945)

File No. B. Munis Bom City 145

Gen. 1914. (Third Amendment)

Office of the R.L.A.

A revised draft Bill is sent herewith.

2. The subject-matter of the Bill falls under entry 13 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the Governor General with reference to section 107(2) of the Government of India Act, 1935, and paragraph (2) of the Proclamation. Under Executive Instructions, however, the concurence of the Governor General is necessary .

3. The Statement at page 3 ante isin order.

o/c Sd/- 15/1/45.

Remembrancer of Legal Affairs.

U.R.to G.D. No. 420 dated the 15th January 1945.

C.G .R. 16-7

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No. 3220
Legal Department,
Bombay Castle, 25th April 1945.

From
P.Np Moos, Esquire, Bar-at. Law, I.C.S.,
Secretary to the Government of Bombay.

To
The Secretary to the Governor of Bombay.

Subject: The City of Bombay Municipal (Third Amendment) Bill, 1945.

Sir,

With reference to your memorandum No.201 (12) dated the ~~3rd December~~ 16th February 1945, addressed to the General Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the city of Bombay Municipal (Third Amendment) Bill, 1945, prepated by His Excellency the Governor under paragraph (2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. The subject-matter of the Bill falls under entry 13 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. ~~As~~ As the Bill does not relate to any matter in the Concurrent Legislative Legislative List, it is not necessary to reserve it for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935, and paragraph (2) of the Proclamation.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in th endorsement.

4. I also forward herewith one spare copy of the Bill .

Yours obedient servant,
o/c Sd/- 24/4/45
Secretary to the Government of Bombay,
Legal Department.

Through;
The Secretary to the Government of
Bombay , General Department.

No. 201 (116)
Office of the Governor's Secretary
Government House

From

D. Symington, Esquire, CIE.EICS.
Secretary to the Governor of Bombay

To

The Secretary to Government,
Legal Department, Bombay.

Bombay, 4th May 1945.

Subject: the City of Bombay Municipal (Third Amendment) Bill, 1945.

Sir,

With feference to your letter No.3220, dated the 25th April 1945, on the above subject, I am directed to return herewith the copy of the City of Bombay Municipal (Thrid Amendemtn) Bill, 1945 prepared by His Excellency the Govrrnor under paragraph (2) of the Proclamation, dated 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state that under the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assents to the Bill in the name of His Majesty.

ypur obedient servant,

sd/.

Secretary to the Governor of

Bombay.

C.G.R. 16-7

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Acts:

Publication of the City of Bombay Municipal (Third Amendment) Act, 1945.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No. 3619
Bombay Caltle, 8th May 1945.

Letter to the Secretary to the Governor No. 3220, dated the 25th April 1945 .

Letter from the Secretary to the Governor, No 201 (116), dated the 4th May 1945.

"With reference to your letter No. 3220, dated the 25th April 1945, on the above subject, I am directed to return herewith the copy of the City of Bombay Municipal (Third Amendment) Bill, 1945, prepared by His Excellency the Governor under paragraph (2) of the Proclamation, dated 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, and to state th the provisions of the aforesaid paragraph His Excellency the Governor is pleased to declare that he assent to the Bill in the name of His Majesty."

RESLOUTION:- The law should be published as Bombay Act No. XII of 1945 in the Bombay Government Gazette dated the 8th May 1945.

2. The Act should be translated into Marathi, Gujarati and Hindustani (in Urdu and Devnagari Scripts) and the translation should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the General Department.

By order of the Governor of Bombay.

Sd/-

for Secretary to Government.

To
The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department)
The General Department;
The Oriental Translator to Government;
Secretary to the Bombay Legislative

Council;

The Secretary to the Bombay Legislative Assembly.) with a copy of the Act.

With five extra copies.

C.G.R. 16- 7

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Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 8TH MAY 1945.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

(1) Acts of the Local Legislature of the Bombay Province and (2) Acts of the Indian Legislature assented to by the Governor General.

CONTENTS.

	PAGES
BOMBAY ACT No. XII OF 1945—An Act to amend the City of Bombay Municipal Act, 1888	78-79

The following Act made by the Governor of Bombay in exercise of the powers vested in him by virtue of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, having been assented to by him on the 3rd May 1945 is hereby published for general information.

P. N. MOOS,
Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XII OF 1945.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 8th May 1945.)

An Act to amend the City of Bombay Municipal Act, 1888.

Bom. III of 1888.

WHEREAS it is expedient to amend the City of Bombay Municipal Act, 1888, for the purpose hereinafter appearing;

26 Geo. V, Ch. 2.

AND WHEREAS the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939, issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

NOW, THEREFORE, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:—

Short title.

1. This Act may be called the City of Bombay Municipal (Third Amendment) Act, 1945.

Amendment of section 78A of Bom. III of 1888.

2. In clause (*c*) of sub-section (*1*) of section 78A of the City of Bombay Municipal Act, 1888, for the words "rupees one thousand" the words "rupees fifteen hundred and not less than rupees twelve hundred" shall be substituted. Bom. III of 1888.

STATEMENT.

The office of Municipal Chief Auditor was established under the amendments introduced into the City of Bombay Municipal Act, 1888, by Bombay Act II of 1938, and under clause (*c*) of sub-section (*1*) of section 78A it is provided that the Municipal Chief Auditor shall receive such monthly salary not exceeding Rs. 1,000 as the Corporation shall from time to time determine. Having regard to the volume and importance of the work, which the Municipal Chief Auditor is now required to perform, it is considered that the upward limit of salary is inadequate and also that there should be a minimum limit of salary expressed in the Act, as in the case of the principal officers appointed under section 74. The Corporation on the 31st July 1944 passed a resolution recommending that the Municipal Chief Auditor should receive a monthly salary not exceeding Rs. 1,500 and not less than Rs. 1,200. The object of the proposed Act is to enable the Corporation to remunerate the Municipal Chief Auditor within these limits.

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.